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Attorneys for Non-party AiPi, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAURI VALJAKKA,

Plaintiff,

v.

NETFLIX, INC.,

Defendants.

Case No. 4:22-cv-01490-JST

**NOTICE OF MOTION AND MOTION
TO WITHDRAW AS COUNSEL FOR
NON-PARTY AIPI**

JUDGE: HON. JON S. TIGAR
DATE: APRIL 18, 2024
TIME: 2:00 P.M.
CTRM: 6 – 2ND FLOOR

PLEASE TAKE NOTICE that on April 18, 2024 at 2:00 PM, or as soon thereafter as may be heard, in the Courtroom of the Honorable Jon S. Tigar, 1301 Clay Street, Oakland, CA 94612, Courtroom 6, Second Floor, counsel Joseph J. Zito and local counsel Kavon Adli and David Newman of The Internet Law Group, shall and hereby respectfully seek leave of this Court, pursuant to Local Rule 11-5(a) and (b) and in deference to California Rules of Professional Conduct 1.9, to withdraw as counsel for non-party AiPi in

1 this matter.

2 The basis for this Motion is as follows. Plaintiff Valjakka lodged an objection to
3 counsel's representation of AiPi as a third party in the above captioned matter and moved
4 to disqualify counsel based upon an alleged conflict of interest, *see* DE#251 "by reason of
5 the representation of the client or former client, the member has obtained confidential
6 information material to the employment." No conflict of interest exists for the reasons set
7 forth in AiPi's Opposition to the Motion to Disqualify, DE#253. The Court held a hearing
8 on Valjakka's Motion on February 15, 2024 and did not reach a decision on the existence
9 of a conflict of interest. However, the Court, at the February 15, 2024 oral hearing, strongly
10 suggested that Whitestone Law withdraw under California Bar Rule 1.9 "Duties to Former
11 Clients."

12 AiPi is not a party to this action. Several of the lawyers at Whitestone Law
13 previously provided legal assistance, through the Ramey firm, for Valjakka, who is a party
14 to the action,. Defendant Netflix filed a motion to join AiPi as a party to the action on
15 November 6, 2023. Netflix averred that AiPi should be a co-defendant with Valjakka in
16 one of the counter-claims being brought by NetFlix. Valjakka did not raise any concerns
17 at that time regarding AiPi being represented by Whitestone Law. Whitestone Law only
18 entered the matter to file an opposition to the Motion on November 24, 2023. Again,
19 Valjakka did not raise any concerns at that time regarding AiPi being represented by
20 Whitestone Law. Whitestone Law was not aware of any conflict, especially since AiPi and
21 Valjakka were on the same side of the matter, opposed to the Netflix counterclaims.

22 On December 12, 2023, Valjakka filed its Motion to Disqualify Whitestone Law, *see*
23 DE#251, alleging the existence of potential issues between AiPi and Valjakka that are not
24 related to the NetFlix counterclaims.

25 Despite the lack of a basis for disqualification, it is now apparent that Whitestone
26 Law does not have permission from Valjakka to proceed under California Rules of
27 Professional Conduct 1.9. Whitestone Law believes that withdrawal will unfairly prejudice
28

1 AiPi, and that remaining in the matter will help to ameliorate the issues between AiPi and
 2 Valjakka, as expressed at the February 15 oral hearing. However, respecting the expressed
 3 desire of Valjakka, Whitestone Law is moving to withdraw to avoid any improper
 4 appearance.

5 Local counsel, Kavon Adli (Bar No. 203040), kavon@tilg.us, David Newman (Bar
 6 No. 246351), david@tilg.us, the Internet Law Group, 9100 Wilshire Boulevard, Suite 725E
 7 Beverly Hills, CA 90212, have been informed of the decision. There is no allegations of
 8 any conflict between Local Counsel and Valjakka, and Local Counsel have had no dealings
 9 with Valjakka. However, Local Counsel have elected to join in the withdrawal. Local
 10 counsel are not prepared to represent AiPi as lead counsel should the need arise.

11 AiPi remains a non-party, AiPi is not subject to personal jurisdiction of the Court,
 12 and technically does not need counsel in this matter at this time. Counsel respectfully
 13 requests that it be permitted to withdraw as counsel for AiPi. Undersigned counsel has
 14 circulated this motion to all counsel of record. None of the counsel has indicated any
 15 objection.

16 For the foregoing reasons, Counsel respectfully requests that the Court grant its
 17 Motion to withdraw as counsel for non-party AiPi in this action.

18 DATED: February 29, 2024

19 /s/ David Newman

20 David Newman
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25 /s/ Joseph J. Zito

26 Joseph J. Zito (*pro hac vice*)
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 Attorneys for Non-party AiPi, LLC

1 **CERTIFICATE OF CONFERENCE**

2 I hereby certify that I conferred with the client AiPi and with all counsel of record
3 and that none are opposed to the motion. In addition, Netflix does not oppose the
4 Whitestone firm withdrawing from the representation of AiPi in this matter. Netflix does
5 not endorse any statement made in Whitestone's motion to withdraw.

6
7 **CERTIFICATE OF SERVICE**

8 Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel
9 of record who have appeared in this case are being served on this 29th day of February,
10 2024, with a copy of the foregoing via ECF filing.

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12 */s/ Joseph J. Zito*

13 **JOSEPH J. ZITO**
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